

East Longmeadow Zoning Board of Appeals

60 Center Square

East Longmeadow, Massachusetts 01028

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Mark Beglane, chair

John Garwacki, vice chair

Charles Gray, clerk

Brian Hill

Michael Carabetta

Francis Dean, associate

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March 7, 2016

Present were: Mark Beglane, Chair; Michael Carabetta, Brian Hill and Francis Dean, Associate. John Garwacki and Charles Gray were not present.

Request for Variance – Zahid Farooqui, 13 Wood Avenue

Chair, Mark Beglane explained to Mr. Farooqui that only 4 members were present and he would need to get a unanimous vote to get his variance. He said if 5 members were present he could get a 4 out of 5 vote and gave Mr. Farooqui the option to proceed that evening or continue until they have a 5 member Board.

Mr. Farooqui said that he would like to proceed that evening.

Mr. Beglane explained the process to Mr. Farooqui that 3 members were present Michael Carabetta, himself and Brian Hill and Associate Member Francis Dean. He said that Mr. Dean will be voting because the 2 other members weren't able to make it. Mr. Beglane said that Mr. Farooqui will give his name and why he thinks he is entitled to a variance and if anyone wants to speak in favor, they will give their name and why they think Mr. Farooqui should be granted a variance. He said if there is anyone in opposition they can speak as well and give their name and address to the Board.

Acting Clerk, Brian Hill read the legal notice into the record.

Mr. Beglane asked what the setback requirement is for that zone. Mr. Carabetta said 12 feet for a side line. Mr. Beglane said that the building currently meets the requirements for side line and the non-conformity is that it is on a small lot. Ms. Macdonald said the non-conformity is on the right hand side of the building itself. Mr. Beglane said that he is not seeking to add anything on that side and that the request would be creating a new non-conformity. Ms. Macdonald said correct.

Mr. Carabetta said as well as the 12.7' front setback which would be two non-conformities.

Mr. Beglane said the 12.7' is the porch which is already there and the 19.7' feet is to the front of the house and its making it but not adding to the non-conformity because it is

already non-conforming in the front. Ms. Macdonald said that he is also adding on to it. Mr. Beglane said but the side line is new. Ms. Macdonald said yes that it's a new violation. Mr. Beglane said that is just for the record because the lot was laid out before the current zoning by-laws so basically the front of the house is closer to the street than currently allowed and the lot is smaller than what would be allowed under today's requirements. He said that Mr. Farooqui wants to put a 12' x 32' car port that would run the whole distance to the house to the point of the L shape of the house and asked Mr. Farooqui what his hardship is.

Mr. Farooqui said that he has 3 cars and his driveway is long and in the winter time he would like to be able to park under it and try to make it look nice. Mr. Beglane asked Mr. Farooqui if the carport will be tied into the house. Mr. Farooqui said yes it will. Mr. Beglane asked him if he looked at putting a stand alone structure towards the rear of the yard. Mr. Farooqui said that he tried 10 years ago to put a one room extension onto his building and a lot of people complained because they thought he was building a garage in the back so that is why he chose to do the carport. Mr. Beglane said that it doesn't have to be a garage but if he has a separate structure that's not attached to the house he wouldn't need the required 12' setback that he would only need a 5' sideline.

Mr. Dean said that the garage could go the opposite way and it wouldn't need a variance at all.

Mr. Beglane said as long as he is 10' behind the house and 5' from the side line for an accessory building. He said that Mr. Farooqui doesn't have to build a garage but he could make the carport a separate structure. That would accomplish the same thing without having to get a variance it's just in a different location and a longer driveway to shovel. Mr. Beglane asked Mr. Farooqui how many feet is the back property to the rear line. Mr. Farooqui said 110 feet. Mr. Beglane said that he could build the structure in the back in front of his shed as long it is not attached to the house.

Mr. Carabetta said that he would be reluctant to creating another non-conformity to what is already a small lot.

Mr. Beglane said that he thinks Mr. Farooqui could accomplish the same thing just by putting it in a different location and if it is his rear yard it has to be 10' behind his house.

Mr. Farooqui said so he would be able to put the 12' x 32' garage in the back correct. Mr. Carabetta said correct and all he would have to do is get a building permit.

Mr. Beglane added also to make sure it is not attached to the house in anyway. He told Mr. Farooqui that he could withdraw his petition at this point to see if he that is what he wants but he thinks he will have a problem getting a hardship. Mr. Beglane said even if the Board turns him down he could still do that and personally he doesn't see a hardship other than the fact he gets snow on his car. He said that it has to be related to the topography and said he has a choice, either they can proceed and they could deny it or he can withdraw his petition.

Mr. Farooqui said that he would like to withdraw his petition.

Mr. Beglane said for the record Mr. Fargoosqui is voluntarily withdrawing his petition and upon motion duly made by Francis Dean and seconded by Brian Hill, the Board voted unanimously (4-0) to accept Mr. Fargoosqui's withdrawal.

There being no further business the meeting was adjourned at 6:30 p.m.

For the Board

Brian Hill, Acting Clerk